IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 566 OF 2005

The State of Maharashtra .. Appellant

Vs

Savita Chandrakant Nalawade .. Respondent
(Org.Accused)

Mr. U.V. Nikam for appellant-State.
Mr. S.V. Kotwal for Respondent.

CORAM: S.S. PARKAR & ANOOP V. MOHTA,JJ.

Date : September 21, 2005.

P.C.:

1. This application is filed for leave to appeal against the impugned judgment and order dated 30/1/2004 delivered by the III Ad-hoc Assistant Sessions Judge, Solapur in Sessions Case No.7 of 2003 acquitting the respondent-accused of the offence under Section 306 of IPC.

2. We have heard the APP and perused the reasoning of the trial Judge. The dying declarations of the deceased have been recorded by the SEM as well as by the Police, which was registered as FIR. In the

dying declaration (Exh.15) recorded by the SEM, the deceased has stated that there was quarrel between herself and the accused who was her sister-in-law i.e. her husband's brother's wife and, therefore, in anger she went inside her house, poured kerosene on her person and set herself on fire. In the FIR (Exh.26) also the deceased has stated that because of the quarrel, which took place, and the abusive language used by the accused, she poured kerosene on her person in tension and set herself on fire.

3. The trial court, after considering the aforesaid dying declarations and the other evidence on record and the judgment of the Supreme Court in the case of Ramesh Kumar vs. State of Chhattisgarh reported in **2001(4) Crimes 360 (SC)**, in which it has been held that there was no abetment of the offence caused by the respondent-accused as contemplated under Section 107 of IPC, has acquitted the respondent-accused. From the wording of the language of both the dying declarations it is clear that there was no instigation or inducement made by the accused for the deceased to commit suicide. The view taken by the trial court cannot be said to be perverse view.

On the contrary, it appears to be a correct view and, therefore, there is no case for interference. Hence, leave refused.

(S.S. Parkar,J.)

(Anoop V. Mohta,J.)